

"I WILL TAKE A SHOT," SAYS ROSE

Morse Sentences Him to Be Executed April 22.

JUST AS COOL AS EVER

BROWN AND BOTHA CASES IN SUPREME COURT.

According to his own statement, Frank P. Rose was the happiest man on earth on Friday, April 22, for on that date he is to be shot for murdering his wife on Christmas, 1903. The sentence was imposed yesterday morning at 10 o'clock in the criminal division of the district court by Judge Charles W. Morse, who tried the prisoner.

When Rose was brought into the court room by Deputy Sheriff Edward Cowan there were more than 100 men and women present to see him sentenced. The prisoner was not the least affected. He exhibited no outward feelings as to the importance of the proceedings. He laughed and joked with those who chose to speak to him. When left to himself Rose chewed tobacco with the calm deliberation of a man who was about to experience anything but the death penalty for the murder of his wife.

Elects to Be Shot.

When his case was called Rose stood up and faced Judge Morse with a coolness that was remarkable. He was accompanied by his two attorneys. The few words that he had to offer were uttered in a clear voice.

Judge Morse recounted to him that he had refused to plead when arraigned in the district court, and that a plea of "not guilty" had been entered. He had been tried and convicted. It was his duty to ask him if he had anything to say why sentence should not then and there be passed upon him. Looking the judge squarely in the face, Rose said:

"No, sir."

Judge Morse then told Rose that under the statutes he could choose which death he preferred, by shooting or hanging. When asked which he desired, Rose said:

"I will take a shot."

The death sentence was then passed upon Rose, the sheriff was ordered to carry out the mandate of the law on Friday, April 22, between the hours of 10 o'clock in the morning and 2 o'clock in the afternoon. When the judge had passed sentence, Rose said:

"Goes Out to Pet Today."

"All right," and took his seat alongside Christensen & Kinney, who defended him.

When asked what he had to say, just before he was returned to the county jail, Rose remarked, with a smile upon his face:

"I am glad this is the last time I will have to appear in the district court." Christensen & Kinney have decided not to take an appeal of the law on Friday, April 22. The condemned man will be removed to the state penitentiary today. He will be placed in a cell near Charles Botha. A death warrant will probably be placed over him within the next few days.

ASKS FOR A RE-HEARING.

Botha's Attorneys Take His Case to Supreme Court Again.

A petition for a rehearing in the Botha murder case was yesterday filed in the supreme court by Judge M. M. Warner of Provo. It is based on the alleged wrongful introduction of evidence prejudicial to the defendant. During the trial of the case a witness testified that Mrs. Botha had told him she was afraid of her husband because he had said he had killed two men in Germany.

The point was raised by Judge Warner in his appeal from the decision of the trial judge in refusing to grant Botha a new trial. The supreme court disposed of the question by referring to the introduction of James Sharp's revelation testimony. In his petition for a rehearing Judge Warner takes the position that the same conditions do not surround the introduction of the pertinent evidence in both cases. He explains his position and the distinction in the following line of argument:

"The only case cited by the court in its opinion as supporting the contrary of our contention is the case of the state vs. Mortenson. But all that was decided in that case was the question of the fact that the testimony given by the witness James Sharp (assuming it to have been prejudicial to the defendant), was brought out by persistent questioning of defendant's counsel, that defendant could not then complain of the admission of the testimony or of the failure of the court to limit its effect by an instruction to the jury. The ruling was manifestly proper because the defendant, having offered the testimony himself, the court was under no obligation to assume that the defendant regarded it as prejudicial in any degree."

"But in the case at bar, the testimony which we claim was improperly admitted, to-wit, that the defendant had killed two men in Germany, and the effect of which we insist the court improperly failed to limit by appropriate instruction to the jury, is not testimony adduced in response to questions by defendant's counsel, but is testimony that was adduced in response to questions

"DOETH GOOD."

And Adeth No Sorrow.

"I am an old lady and had used coffee all my life until a year ago, then I found a drink that doeth good and adeth no sorrow."

"For many years I had been troubled with constipation and stomach trouble, sleeplessness and various other ills and although I had been constantly treated I got almost no relief."

"I have always been a great worker with many cares and often in the morning I would feel unequal to my daily tasks. So I would drink a strong cup of coffee of which I was very fond and then for two or three hours afterward I would feel so smart and buoyant and keyed up to such a high note that I could undertake most anything. But along about 11 o'clock the reaction would begin and leave me stranded on a lounge until dinner time. Then I would get a cup of tea to tide me over the afternoon. So it went on for a number of years and the great wonder is that I did not collapse altogether. I must have had a good constitution. Every month I got a little worse."

"At last and with great reluctance I was forced to the conclusion that it was coffee that was the chief cause of my many troubles. So I looked the matter up carefully, quit the coffee and began the use of delicious Postum; and the wisdom of this change was soon shown in a material improvement in my health."

"Since I have been using Postum I do not have that unnatural elation and consequent reaction and the craving for the stimulant has left me. I am now strong and steady all of the time." Name given by Postum Co., Battle Creek, Mich.

Look in each package for the famous little book, "The Road to Wellville."

by counsel for the state against the protest and objection of counsel for the defendant under the exception. With all deference to the views of the court, it seems to us clear that the Mortenson case, which decides that testimony offered by the defendant himself may properly be received by the court and need not be limited in its effect, upon the court's own motion is not at all an authority to establish that testimony adduced by the state over the objection of the defendant need not be so limited. It appears to us very probable that the distinction in the two cases has been inadvertently overlooked by the court and we beg the court to reconsider whether the Mortenson case is in any respect in conflict with our views or is an authority for a ruling upon the point in question in the case at bar."

BROWN WANTS A REHEARING.

Second Appeal to Supreme Court to Be Resisted by Westervelt.

Arthur Brown, who has been ordered by Judge Charles W. Morse of the criminal division of the district court, to appear before him this morning at 10 o'clock and enter his plea to the information charged against him, has petitioned the state supreme court to grant him a rehearing, in his application for a writ of prohibition. The latter writ is to restrain Judge Morse from proceeding further in his case. The application for the writ was denied some days ago. Then Judge Morse ordered Brown to appear in court and plead.

The papers were yesterday served on District Attorney Dennis C. Eichnor and County Attorney George Westervelt. The latter said that he would insist in court this morning that Judge Morse force Brown to enter his plea in spite of his action in the state supreme court. The court refused a writ of prohibition to Brown on the ground that that was not the proper course to take in seeking to right a wrong, that the proper step is by appeal after judgment has been entered in the lower court.

MANY INFORMATIONS FILED.

Police Court Cases Are Taken to the District Court.

The following informations were yesterday afternoon filed in the county clerk's office by District Attorney Dennis C. Eichnor:

Eddie Knox and George Jaeschke, housebreaking; February 28.

Andrew Tonnerson, burglary; February 21.

George Cox, burglary; February 10; two complaints.

Clifford Hill, Carl Winsness and Henry Kay, housebreaking; February 21.

Clifford Hill, Carl Winsness, Carl Winsness and Henry Kay, burglary; February 23.

Eddie Knox and George Jaeschke, housebreaking; February 28.

Clifford Hill, Carl Winsness, Carl Winsness and Henry Kay, burglary; February 28.

Henry Bates and Harry Wood, burglary; February 28.

George Cox, burglary; February 10.

Says Husband Shipped Her Away.

Mollie Leyshon sues Thomas Leyshon for divorce, charging desertion on very novel grounds. They were married at Panama, Nev., July 28, 1890. On March 18, 1900, the wife says her husband suggested that they move to Salt Lake City, to better their financial condition. She was to come first, and he to follow as soon as he got money enough. The wife now claims that Leyshon refuses to come to her, and will not send her money to go to him. She is compelled to earn her own living by manual labor. Now she seeks a divorce and custody of their child.

Mining Stock Causes Suit.

The Four Metals Mining company has sued D. J. Evans for \$35.26, the alleged balance due on a \$1,500 stock subscription. It is charged in the complaint that on November 14, 1901, the company sold to Evans 10,000 shares of its stock for \$1,500. The company says the defendant has paid but \$1,147.74 on account, and refuses to pay the balance. The company now sues for \$35.26, interest and costs.

District Court Notes.

Judge William C. Hall yesterday granted Mrs. Laura L. Hall a divorce from Ernest Hall, gave her \$100 alimony and the custody of their child. She sued on the ground of desertion. They were married in this city on January 10, 1901.

Setting of cases for the April term before Judge William C. Hall will take place March 19, the trial of cases to begin April 11.

Upon the motion of the attorneys for the plaintiff, further hearing in the Nash divorce suit was yesterday continued by Judge Charles W. Morse until today, at 10 o'clock.

The next big trial to come up in the criminal division of the district court are the three charges against Henry Waddell, the penitentiary inmate. He will be tried Tuesday, March 22, for escaping from the state prison, grand larceny and assault to commit murder. In the case of W. G. Bonham vs. the Salt Lake City Water & Electrical Power company, Judge William C. Hall yesterday issued an order authorizing the expenditure of \$1,500 for current expenses.

TRUSTEES ARE DIVIDED.

Differ As to How School Districts Should Be Merged.

The trustees of the county schools are about evenly divided in the question whether the thirty-three districts should be consolidated into eight or two general districts. Some days ago the county commissioners sent out a circular letter asking the opinion of the trustees on the matter. A number of answers have been received.

J. O. Smith of East Mill Creek called in person yesterday and said his constituents favor the two-district plan. Hunter and Pleasant Green, which make district No. 3 under the eight-district plan, favor that plan. James Selsor of Big Cottonwood district says his people favor eight subdivisions, as does also Bingham. Draper, Crescent and Sugar want a two-district consolidation.

The eight-district plan was evolved by County Superintendent W. B. Ashton, and by him was submitted to the county commissioners. Meetings were held, when the whole matter was thoroughly discussed. It was at these meetings that the two-district proposition was advanced. It immediately found favor, and is being espoused by trustees throughout the county. The north and south boundary line is the northern line of Murray City.

WAS CRUSHED TO DEATH.

Fred Hunter Meets With Fatal Accident While Switching Cars.

Fred Hunter, an Oregon Short Line switchman, was fatally crushed at 6:30 o'clock yesterday morning. He died at St. Mark's hospital two hours afterward.

An attempt to couple two cars he was caught between a big refrigerator car and the side of the Armour & Co. warehouse at First South and Third West streets. He was 39 years of age, married, and lived at 305 West North Temple street. He was 6 feet 5 inches in height, being the tallest man in the employ of the Short Line.

LAGOON RESORT IN NEW HANDS

Jacob Bergerman Is to Be Active Manager.

VETO POWER IN BAMBERGER

DEEP WATER BATHING IS PROMISED FOR SALT LAKE.

Senator Simon Bamberger announced yesterday afternoon that he had leased the Lagoon resort to Jacob Bergerman, manager of the Utah Liquor company, and that during the season the Salt Lake and Ogden road would put in a fare of 25 cents for the round trip. While the resort will be in direct charge of Mr. Bergerman, Senator Bamberger has reserved the right to exercise general supervision over the resort, so that he can veto any features that might be objectionable to him. The aim of both is to maintain the high standard of the beautiful pleasure retreat, and to cater to the highest class of trade. Restaurants, bar and every other part of the resort are to be conducted in first-class manner.

J. B. Bean, excursion manager of the road, will continue to have charge of the booking of attractions. The season will open Memorial day, May 30, and close Sept. 15. The plan to establish a fresh water bathing resort at Lagoon has been given up. The money will be put into improving the roadbed and equipment.

The improvements at Saltair are being pushed, and they will be completed by the time the season opens, May 30. The new line of bath houses reaching to the northeast are being built out to deep water. They will extend 600 feet from the terminus of the bath houses last year, and will end in two feet of water. Within 200 feet, according to General Manager J. E. Langford, is water four feet deep. The bath houses will extend 2,000 feet from the main portion of the pavilion.

A new hard wood dancing floor is being put down, and will be ready before May 30. Plans are being made to have a number of side attractions at the resort during the season.

Has Just Disappeared.

Oscar Vogel, it is said, borrowed money in Portland.

Oscar Vogel, who was reported to have died at Portland, Ore., has merely disappeared, according to later advices. A dispatch from that place yesterday afternoon said:

"Vogel is not dead so far as known. He has merely disappeared. Investigation shows that he borrowed money here before his disappearance."

Vogel had been in Portland since Thursday. Upon his arrival there he is said to have deposited his savings of two years in a local bank, and Friday afternoon drew out the money. No trace of him has since been found.

Vogel came from the Fatherland nearly two years ago, and since living in America has been employed as a sheep herder near Fairview, Ore.

For sixteen months Vogel worked near Fairview and saved all his earnings. He was anxious to secure an English education, and so every cent of his pay, which was \$40 a month, was saved.

Upon his arrival in Portland he went to the Y. M. C. A., where he registered, and said that he was a Presbyterian. The boy was a stranger in Portland, and also a stranger to American city ways. He said that he had been recommended by the Rev. Dr. Hill of the First Presbyterian church to go to the home of Mrs. Bennett, 354 Fourth street.

After eating his lunch Friday, Vogel started down account, and refused to pay going to draw his money out of the bank in which he had deposited it the day before. He has not been heard from since.

MARRIAGE LICENSES.

Albert C. Lumen, Crescent; 25.

Elvina Lumen, Crescent; 25.

P. M. Gunnarson, Ogden; 25.

Vida Y. Palmer, Green; 25.

Carl W. Jacobson, Murray; 25.

Ada P. Thompson, Murray; 19.

THREE TRAINMEN KILLED.

Jefferson City, Mo., March 7.—A local freight on the Missouri Pacific railway collided today with a through freight on the same road four miles east of Jefferson City. The local freight was but slightly damaged, and the crew escaped. The caboose and several cars of the through freight were piled in a heap and caught fire. Conductor Charles Schoemaker, brakeman Frank Nevis and Charles Bryant were killed.

To be a successful wife, to retain the love and admiration of her husband should be a woman's constant study. If she would be all that she may, she must guard well against the signs of ill health. Mrs. Brown tells her story for the benefit of all wives and mothers.

"DEAR MRS. PINKHAM:—Lydia E. Pinkham's Vegetable Compound will make every mother well, strong, healthy and happy. I dragged through nine years of miserable existence, worn out with pain and weariness. I then noticed a statement of a woman troubled as I was and the wonderful results she had had from your Vegetable Compound, and decided to try what it would do for me, and used it for three months. At the end of that time I was a different woman. The neighbors remarked it, and my husband fell in love with me all over again. It seemed like a new existence. I had been suffering with inflammation and falling of the womb, but your medicine cured that, and built up my entire system, till I was indeed like a new woman. Sincerely yours, Mrs. CRAS P. BROWN, 21 Cedar Terrace, Hot Springs, Ark., Vice President Mothers Club.—\$5000 forfeit if original of above letters proving genuineness cannot be produced."

WORN OUT--HEADACHES--DIZZINESS

Mrs. Hollander's Case Like That of Thousands--All Cured by the Celebrated Nerve Vitalizer and Tonic--Read Her Story--Be Well This Spring--Still More Praise for

Paine's Celery Compound

This is but an example—one case chosen from thousands in our files—of the dull weariness and sickness that afflict so many homes. Thousands of women, married or single, will recognize as their own, these symptoms, described by Mrs. Hollander in the letter in which she acknowledges her debt of health to Paine's Celery Compound.

Mrs. Hollander Suffered From:

Weakness, Constipation,

Constant Weariness, Internal Derangement, Dizziness, Emaciation,

Palpitation, Sick Headaches,

Her Letter:

"Your Paine's Celery Compound has cured me of dyspepsia and constant sick headache. I am sending you this praise of your wonderful medicine so that you can publish it if you think best."

"I suffered since my marriage with dizziness and palpitation, caused by bloating. I have sick headaches four or five times a week, and many a time would be so sick that for two or three days nothing would stay in my stomach."

"My internal organs were practically a wreck, and I would be afraid to eat even soup. I was always constipated, and all the medicine that I took only seemed to leave me worse off than before."

"I grew very thin, and at 22 years old my face was beginning to get wrinkled and hollow. A young lady friend suggested Paine's Celery Compound."

"For the first time I spent a week without having a headache or an internal trouble, or nausea. I have put on twenty pounds in six weeks, and my husband has not yet gotten over his astonishment."

"I eat anything that I like, and I get a full night's sleep every night and wake up thoroughly refreshed." MRS. M. A. HOLLANDER, 386 Greene avenue, Brooklyn, N. Y., Dec. 20, 1903.

Her whole system was run down. Every organ was weak, and it was because the blood and nerve forces (which alone can keep the organs working properly), were weak and poorly nourished."

Mrs. Hollander, like the thousands of other grateful women who have written to us, is well today—because she cured the REAL CAUSE of her Weakness, Dizziness, Sick Headache and Palpitation. She fed her nerve forces—and her blood—with the great tonic vitalizer—discovery of Dartmouth's Great Physician—Paine's Celery Compound.

Learn how much better you can feel—Go to your Druggist Today—Get one bottle—Feel just ONCE that abundant new nerve force made by Paine's Celery Compound—You will NEVER AGAIN be contented with low spirits and poor health.

AILING WOMEN.

Cincinnati, Aug. 26, 1903.—"I heartily recommend Paine's Celery Compound, as I have used it for several purposes, and keep it constantly in the house. I say—'Once used, always used'—especially in the case of ailing women."—MISS ELSIE LLOYD, 1251 Russell Street.

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—Prof. Edward E. Phelps, M. D., LL.D., of Dartmouth University. Famous Discoverer of Paine's Celery Compound.

FREE 25 dainty maids of as many nations, each holding her country's emblem. Full of snap and go, the finest set of pictures we have ever issued—you know what that means. Full set free for 60 Trophies coupons.

Stargoyres

NEW YORK

DR. M. B. McLAUGHLIN, 931 16th St., Denver, Colo.

Office Hours—9 a. m. to 5 p. m.; Sundays, 10 to 1.

GIVE YOUR CAST-OFF CLOTHING ETC.

TO THE SALVATION ARMY Social Relief Dept. for use in its salvage room. Call phone 1383-X or send postal to Staff Captain David Miller, 35 Franklin Ave., whose signature will be on card carried by our collector.

J. E. COSGRIFF, President.

E. W. WILSON, Cashier.

Open an Account with

COMMERCIAL NATIONAL BANK

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COOK MEDICAL CO

116 South Main, Salt Lake City.

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Consultation is free and invited, and in consulting me you may be sure that nothing that science can devise or skill perfect has been left undone to afford you a speedy, safe and permanent cure.

entire system, in full confidence, express your troubles as they appear to you, and receive by return mail my honest and candid opinion of your case.

Prostatic Troubles

Nervous Debility

Stricture

Wasting Weakness

Priapic Diseases

Time of cure, 10 to 20 days, by my original, very simple remedy used exclusively by me.

Cured in 3 to 10 days, without the use of poisonous drugs.

Consentation is free and invited, and in consulting me you may be sure that nothing that science can devise or skill perfect has been left undone to afford you a speedy, safe and permanent cure.

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